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that, where the parties make use of mistaken expressions they may be allowed to explain them; later, on the same page, he says "and though the terms may not express what he intended them to express, his failure to find words appropriate to his meaning is not mistake; if it were so, a contract would be no more than a rough draft of the intention of the parties to be explained by the light of subsequent events and corrected by the court and jury." The latter statement is sound. The former statement is only sound when it is applied to *mutual* mistakes. This should have been so stated by the author.

We might go on with further instances, but after all has been said the fact remains that Mr. Anson's work on the law of contracts has been of great service to students and the profession, and deserves for the most part high praise. Perhaps it is not too much to say, however, that it is not above criticism. The present edition with the American notes is a valuable volume, and, if used with some degree of care, a very serviceable one.

SUPPLEMENT TO SNYDER'S ANNOTATED INTERSTATE COMMERCE ACT AND FEDERAL ANTI-TRUST LAWS. By WILLIAM L. SNYDER. New York: Baker, Voorhis & Company. 1906. pp. xl. 178.

In what should be a very useful digest Mr. Snyder has given the text of some of the more important Acts of Congress passed in 1906, the acts included being those more directly affecting interstate commerce. Special attention is given the Railway Rate Bill amending the Commerce Act and the Elkins Act, and in addition the text of the Employers' Liability Bill, Pure Food Bill, Meat Inspection Bill and Jewelers' Liability Bill is set forth. The judicial decisions bearing on the subjects treated, rendered after the publication in July, 1904, of the work to which this is a supplement, are also given, the more important with considerable detail and lengthy quotations. In addition, a few pages are devoted to a consideration of the anti-trust laws of the different states.

The forty pages devoted to the Introduction are of no particular value in a law-book, although they might well do for a magazine article, but the remainder of the book is well prepared, the work of the publishers being especially well done. The lawyer in active practice will find much to interest him in a perusal of this work, and will find a constantly growing need for this or a similar treatise.

A HISTORY OF DIPLOMACY IN THE INTERNATIONAL DEVELOPMENT OF EUROPE. BY DAVID JAYNE HILL. New York: Longmans, Green & Co. Six Volumes. Vol. I., The Struggle for Universal Empire. 1905. pp. xxiii, 481. Vol. II, The Establishment of Territorial Sovereignty. 1906. pp. xxv, 663.

The first two volumes of the extensive work planned by Dr. Hill form merely an introductory study, a preface to the period at which we are accustomed to regard diplomacy as having arisen. As the author says, these two volumes, "The Struggle for Universal Empire" and "The Establishment of Territorial Sovereignty," "may be regarded as indicating

the foundations of modern diplomacy. They trace the tragic history of the rise and conflict of two great international institutions, the Empire and the Papacy, the defeat of their ambitions, and the development of modern national states."

The necessity for such an extensive foundation becomes evident when we consider Dr. Hill's idea of diplomacy. "It is a noteworthy fact," he says in the preface to the first volume, "that no general history of European diplomacy exists in any language. A history of diplomacy properly includes not only an account of the progress of international intercourse, but an exposition of the motives by which it has been inspired and the results which it has accomplished. But even this statement does not fully express the scope of such a history: for an intelligent discussion of the subject must include also a consideration of the genesis of the entire international system and of its progress through the successive stages of its development." It is this genesis and progress of the international system up to the point where it appears and is recognized as a system, that is, from the Barbarian invasions and the splitting up of the Empire to the Peace of Westphalia in 1648 with its definite recognition of the independent rights and powers of the states, that is traced in these two volumes.

In thus going back "to the real point of origin" and tracing the subsequent development of these elements which have resulted in the constitution and organization of international law and usage into a system, there is the distinct purpose of dispelling "the illusion that the present relations of civilized states are fortuitous, arbitrary, or changeable at will." No better conception of the author's notion of the character of the relations of states can be given than by citing his own words. "It is true that force has been a determining element in the conflicts of nations, as it is in the maintenance of civil order within the State; but it is not mere aimless or undirected force that has produced the present international system. On the contrary, it is due to the gradual perception of the conditions on which human governments can be permanently based. It is the result of reasoned policy and deliberately formed conventions in restraint of force,—the triumph of statesmanship and diplomacy, not shaped and determined by military action, but controlling the movements of armies and navies whose coercive powers are put in action only by decisions reached after deliberation at the council board." (I. IX.)

It will be interesting to see whether in the subsequent volumes Dr. Hill can demonstrate the truth of his idea that "diplomacy brings into prominence in its plenitude the psychological element, the constructive value of human plan and purpose." Certain it is that in the two volumes which have thus far appeared there is little evidence of any man or group of men "grasping the conditions of a situation in which vast combinations of force may be thwarted by other combinations, and the interests of a nation, or of civilization itself, secured by a sound policy." The triumph of the statesman so far as these volumes are concerned, is but a prospect; they are much rather the record of successful force, of violence and war. In these two volumes we find a brilliant presentation of the history of Europe, with little more attention to diplomacy and diplomatic negotiations than would be contained in any general history of the period

of a like extent. The fall of the Roman Empire through the invasions of the Barbarians, the revival of the Empire of the West under the Franks and their connection with the Church as it came to be established under the Popes at Rome, the Empire of the Carolingians and its decay, the establishment of the Holy Roman Empire of the German Nation and the Conflict of Empire and Papacy are the subjects dealt with in the first half of volume one, and it is not till the Italian cities are considered that we come to any consideration of diplomacy proper. Even so the chapter devoted to the Development of Italian Diplomacy is largely a record of the purely political aims and ambitions of Innocent III. to build up a temporal power and the struggle with Frederick II.; but out of the critical position in which the Italian cities were left, grew the need "to know the intentions of one's neighbor, to defeat his hostile designs, to form alliances with his enemies, to steal away his friends, and to prevent his union with others" (I, 359), and so diplomacy became a system, following the methods of Venice, "the school and touchstone of ambassadors," a system of intrigue and espionage, of plot and counter-plot.

The first volume closes with a view of the rise of national monarchies and the consolidation of royal power. The struggle for universal empire resulted in the creation of independent states and the second volume traces the processes by which their complete independence of all external control and their complete internal supremacy were secured. "In the earlier period the political history of Europe consisted chiefly in the development and conflict of two opposing policies rooted in different conceptions of the imperial idea; but in that which we are now to traverse the field is occupied by the conflicts of national states, first for coherence, then for expansion" (II, VII.). In this volume, too, we must not have in mind "the modern accessories of organized chancelleries and permanent missions," for "the essence of diplomacy does not lie in the character of its organs or of its forms of procedure. Intrinsically it is an appeal to ideas and principles rather than to force, and may assume a great variety of specific embodiments" (I, V-VI.).

The conflicts are first of France and England in the Hundred Years' War, then of France with Burgundy, the result of which was the firm establishment of France as a great national state which soon entered into rivalry with the Empire and the Papacy for supremacy in Italy. The supremacy of the Hapsburg power under Charles V. seemed for a time to threaten the existence of the independent national states that had arisen, but the failure of Charles to secure religious unity resulted ultimately in the establishment, as a consequence of the Reformation, of independent Protestant states, thus completing the disruption of Empire and Papacy and producing the final elements necessary for the composition of the modern state-world. It is out of these elements, following the example set by Italy, that there has grown the diplomacy of modern times, as the ultimate cause of which Dr. Hill assigns the rivalry of sovereign states.

In the Peace of Westphalia—an account of which closes this volume—the recognition of the modern state world and its diplomatic methods were secured, and the succeeding volumes will doubtless contain a greater proportion of "diplomacy" and less of general history.

It is a tremendous task that the author has undertaken and the style, method and material of the first two volumes give ample ground for unusual praise. The very great value of the work has already been clearly demonstrated, and these two volumes alone would be quite sufficient to give their author a high place as a historian. His large practical experience in the field of which he writes must prove of even greater value in succeeding volumes.

REVIEWS TO FOLLOW:

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